

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WIENDI MORGAN,

Plaintiff,

v.

COUNTY OF SAN JOAQUIN, *et al.*,

Defendants.

Case No. 2:21-cv-00427-KJM-JDP (PS)

ORDER GRANTING MOTION TO  
PROCEED IN FORMA PAUPERIS

ECF No. 2

SCREENING ORDER AND ORDER TO  
SHOW CAUSE WHY PLAINTIFF'S  
COMPLAINT SHOULD NOT BE  
DISMISSED FOR LACK OF JURISDICTION

ECF No. 1

RESPONSE DUE WITHIN 30 DAYS

Plaintiff applied for legal guardianship of a minor in her custody, but custody was denied and the minor was removed from her care, allegedly because of false reporting by San Joaquin County social workers. Plaintiff seeks custody of the child and \$1.5 million in damages, alleging various federal constitutional violations as well as state law claims. Because this court does not have jurisdiction to overturn state custody determinations, I will order plaintiff to show cause why this case should not be dismissed.

1 Plaintiff moves to proceed without prepayment of filing fees, ECF No. 2. Plaintiff's  
2 affidavit satisfies the requirements to proceed without prepayment of fees. *See* 28 U.S.C.  
3 § 1915(a). Thus, the motion, ECF No. 2, is granted.

4 Having granted plaintiff's motion to proceed *in forma pauperis*, this complaint is now  
5 subject to screening under 28 U.S.C. § 1915(e). A complaint must contain a short and plain  
6 statement that plaintiff is entitled to relief, Fed. R. Civ. P. 8(a)(2), and provide "enough facts to  
7 state a claim to relief that is plausible on its face," *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570  
8 (2007). The plausibility standard does not require detailed allegations, but legal conclusions do  
9 not suffice. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). If the allegations "do not permit the  
10 court to infer more than the mere possibility of misconduct," the complaint states no claim. *Id.* at  
11 679. The complaint need not identify "a precise legal theory." *Kobold v. Good Samaritan Reg'l*  
12 *Med. Ctr.*, 832 F.3d 1024, 1038 (9th Cir. 2016). Instead, what plaintiff must state is a "claim"—a  
13 set of "allegations that give rise to an enforceable right to relief." *Nagrapa v. MailCoups, Inc.*,  
14 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc) (citations omitted).

15 The court must construe a pro se litigant's complaint liberally. *See Haines v. Kerner*, 404  
16 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it  
17 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which  
18 would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).  
19 However, "'a liberal interpretation of a civil rights complaint may not supply essential elements  
20 of the claim that were not initially pled.'" *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251,  
21 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

22 The Rooker-Feldman doctrine prohibits this court from exercising subject matter  
23 jurisdiction over any case that is so "inextricably intertwined" with a state court judgment that the  
24 federal case would function as a de facto appeal of a state judgment. *Cooper v. Ramos*, 704 F.3d  
25 772, 778-79 (9th Cir. 2012). A case is "inextricably intertwined" with a state court judgment  
26 "[w]here federal relief can only be predicated upon a conviction that the state court was wrong."  
27 *Id.* at 779 (internal quotation marks and citations omitted). Under the Rooker-Feldman doctrine,  
28 federal courts lack jurisdiction to evaluate the propriety of state-court decisions regarding the

1 validity or extent of parental rights. *See Ismail v. County of Orange*, 693 F. App’x 507, 512 (9th  
 2 Cir. 2017) (holding that the Rooker-Feldman doctrine barred the plaintiff’s § 1983 claims against  
 3 county social workers for constitutional violations relating to submitting false reports to the  
 4 juvenile court that terminated the plaintiff’s parental rights); *Safouane v. Fleck*, 226 F. App’x  
 5 753, 758 (9th Cir. 2007) (affirming dismissal under the Rooker-Feldman doctrine, based on the  
 6 federal court’s lack of jurisdiction to determine the validity of state court parental rights  
 7 proceedings).

8 In *Ismail*, plaintiff appealed the district court’s dismissal of her claims against the county,  
 9 social workers employed by the county, and the adoptive parents of her biological child. *Ismail*,  
 10 693 F. App’x at 509. Plaintiff claimed that social workers had “deprived her of various  
 11 constitutional rights by submitting false reports to the juvenile court,” resulting in erroneous  
 12 determinations by the court. *Id.* On de novo review, the Ninth Circuit upheld dismissal of those  
 13 claims under the Rooker-Feldman doctrine, reasoning that plaintiff’s claims of fraud could have  
 14 been raised in state court—and indeed had been raised there. *Id.* at 510.

15 Here, plaintiff seeks to regain custody of a child despite state court proceedings that  
 16 terminated her parental rights. Plaintiff claims that social workers made false statements, as was  
 17 alleged in *Ismail*. This court does not have jurisdiction over constitutional claims regarding the  
 18 termination of parental rights in state court proceedings. Therefore, plaintiff is ordered to show  
 19 cause why this case should not be dismissed for lack of jurisdiction.<sup>1</sup> Failure to respond to this  
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21 <sup>1</sup> Plaintiff also asserts various state law claims. In a civil action where a district court has  
 22 original jurisdiction but the claims over which the federal court has original jurisdiction are  
 23 abandoned or dismissed, the court “may decline to exercise supplemental jurisdiction” over the  
 24 related state law claims. 28 U.S.C. § 1367(c). The decision to retain or decline jurisdiction must  
 25 be made in light of “the objectives of economy, convenience and fairness to the parties, and  
 26 comity.” *Trustees of Constr. Indus. and Laborers Health and Welfare Trust v. Desert Valley*  
 27 *Landscape & Maintenance, Inc.*, 333 F.3d 923, 925, 64 F. App’x 60 (9th Cir. 2003). “[I]n the  
 28 usual case in which all federal-law claims are eliminated before trial, the balance of factors . . .  
 will point toward declining to exercise jurisdiction over the remaining state-law claims.”  
*Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988). If a plaintiff does not state any  
 federal claims, the court will decline to exercise supplemental jurisdiction over her state law  
 claims. *Parra v. PacifiCare of Ariz. Inc.*, 715 F.3d 1146, 1156 (9th Cir. 2013) (“[O]nce the  
 district court, at an early stage of the litigation, dismissed the only claim over which it had  
 original jurisdiction, it did not abuse its discretion in also dismissing the remaining claims.”).

1 order will result in dismissal of this case.


2 Accordingly, it is hereby ordered that:

3 1. Plaintiff's motion to proceed in forma pauperis, ECF No. 2, is granted.

4 2. Plaintiff is ordered to show cause within thirty days as to why this case should not  
5 be dismissed for lack of jurisdiction.

6  
7 IT IS SO ORDERED.

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9 Dated: November 2, 2021

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE